



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

IN OPPOSITION TO:

S.B. NO. 1151: AN ACT CONCERNING THE RECORDING OF TELEPHONIC COMMUNICATIONS

JOINT COMMITTEE ON JUDICIARY
April 1, 2013

The Division of Criminal Justice respectfully recommends the Committee take **NO ACTION** on **S.B. No. 1151, An Act Concerning the Recording of Telephonic Communications**. The Division opposes this bill for the very same reasons that we have opposed it for at least the last two legislative sessions – while it is certainly well-intentioned and we appreciate the efforts of those who proposed the bill, there is simply no justification or need for passage of this seriously flawed legislation.

To again cite some specific objections:

- The bill employs the phrase "under this state's jurisdiction" and then provides a definition of "jurisdiction" ("... any entity denoted as an authority of or under contract with the United States government or of any of the states of the United States") that is not only impossible to understand as used in new sections (b) (9) (A) and (B), and, therefore, apply; but it also bears no relationship whatsoever to the legal meaning of the word (essentially, the authority by which courts and judicial officers take cognizance of and decide cases) and will only lead to confusion.
- The bill refers in various parts to persons, parties, and specific officials, but defines "party" in a way that encompasses every individual and legal entity, which, in specific application, may make sections applicable to a "party" over-inclusive. At the very least this will sow confusion where none presently exists.
- The new subsection (b)(9)(A) oxymoronically exempts from the requirements of subsection (a) any party who has complied with subsection (a), and "every other party is operating under the authority of or under contract with the United States regardless of location" We are at a loss to understand the meaning or purpose for this.
- The new subsection (b)(9)(B) oxymoronically exempts from the requirements of subsection (a) any party who has complied with subsection (a), and "has given consideration to laws, if any, that apply within any given termination point's jurisdiction and every other party is not under this state's jurisdiction. What if a person, party, or official gave "consideration" to a law, and then violated it? How does the definition of "jurisdiction" make any sense in this application? Again we are at a loss to understand this section or its implications.

In conclusion, nothing has changed over the course of the past two years to change the Division's conclusion that this bill is not only unnecessary, but is so seriously flawed that it could well produce unintended and unwelcome consequences. The Division must respectfully request that the Committee take NO ACTION. Thank you.